

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications and Energy on its own Motion into the Appropriate Pricing, based upon Total Element Long-Run Incremental Costs, for Unbundled Network Elements and Combinations of Unbundled Network Elements, and the Appropriate Avoided Cost Discount for Verizon New England, Inc. d/b/a Verizon Massachusetts' Resale Services in the Commonwealth of Massachusetts

D.T.E. 01-20

**MOTION OF AT&T COMMUNICATIONS OF NEW ENGLAND, INC.,
TO STRIKE STATEMENTS IN VERIZON'S INITIAL BRIEF THAT RELY ON AN
EXHIBIT THAT HAS BEEN EXCLUDED FROM THE EVIDENTIARY RECORD**

The Department denied Verizon's motion to admit Exhibit VZ-48.¹ Verizon did not appeal from the Hearing Officer's ruling. Despite VZ-48's exclusion from the record, Verizon improperly relies on this document in its initial brief. Because Verizon cites to a document that is not in evidence, and has been expressly excluded from the record, AT&T respectfully requests that the Department strike two sentences from Verizon's initial brief.

Specifically, AT&T moves to strike the following two sentences from page 165 of Verizon's initial brief:

The use of a 365-day division thus would substantially overstate the number minutes [sic] over which Verizon MA would be able to recover switching-related costs and would result in considerable under-recovery (*see* Exh. VZ-48, at 5-6).²

The *mathematical fallacy* entailed in dividing by 365 or 308 is explained in detail by AT&T/WorldCom's *own witness* Turner in Exh. VZ-48, at 5-6.³

¹ Tr. 3556, 2/15/01 (Hearing Officer Ruling).

² Verizon Initial Brief, at 165.

³ Verizon Initial Brief, at 165, fn 148.

Respectfully submitted,

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